

## REMARKS

Claims 1-11, 18-28, 32-38 and 45-55 are pending in the application, of which, claims 53-55 have been allowed. Claims 1-11, 18-28, 32-38, and 45-52 stand rejected. Claims 1, 8, 9, 18, 19, 21, 22, 26, 32, 35, 36, and 45 have been amended. Claims 7, 25 and 34 have been cancelled. New claim 63 has been added. At least in light of the above amendments and the foregoing remarks, allowance of all pending claims is respectfully requested.

### *Allowable Subject Matter*

Claims 53-55 have been allowed.

Applicant acknowledges the allowed claims.

Claims 9-11, 26-28 and 36-38 have been indicated as having allowable subject matter.

Applicant acknowledges the allowable subject matter.

### *Claim Rejections – 35 U.S.C. § 112*

Claims 9-11, 26-28 and 36-38 have been rejected under 35 U.S.C. § 112, second paragraph as not specifying how the network device is assisted.

Applicant traverses the rejections because “claim breadth is not indefiniteness.” *See* MPEP 2173.04. Regardless claims 9, 26 and 36 have been amended and should therefore be allowed. Claims 10-11, 27-28 and 37-38 are dependant and should also be allowed.

### *Claims Rejections – 35 U.S.C. § 103*

Claims 1-8, 18-25, 32-35 and 45-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Born, et al. (U.S. Patent No. 6,404,887) in view of Gupta, et al. (U.S. Patent No. 5,689,556) and in further view of Azriel, et al. (U.S. Patent No. 6,724,736).

Claim 1 has been amended to specify transmitting the warning packet and the clear packet directly to the endpoint separately and independently from the representation of received the audio content. The alleged combination does not disclose the claimed warning and clear packets. Moreover, in Born the “A” and “B” bits are received together with the voice data by the called party. *See* Born, FIG. 1 and Col. 7, lines 12-48.

Born teaches a warning signal technique for use in circuit switched networks. Born specifies that either signaling bits or payload bits (“A” or “B” bits) are used to activate/deactivate an echo-canceller. See Col. 7, lines 1-30. These are not packets; instead they are bits that are not capable of including other information such as a duration of a periodic signal. Moreover, the A and B bits are transmitted together with the voice data from the Office 112 to the called party. See FIG. 1.

In contrast, claim 1 includes transmitting the warning packet and the clear packet directly to the endpoint separately and independently from the representation of received the audio content. This feature is shown in the present specification in FIG. 1A where the warning and clear packets are transmitted separately and independently. Independent transmission advantageously allows the network to drop voice data packets at a different rate the warning and clear packets in response to network congestion. Thus, claim 1 should be allowed. Claims 2-8 are dependant and should also be allowed.

Claim 18 has been amended to specify the generation of a warning packet that encodes a periodic signal duration. The alleged combination fails to teach at least this element.

Born teaches a warning signal technique for use in circuit switched networks. Born specifies that either a signaling bit or payload bits may be used to deactivate an echo-canceller. See Col. 7, lines 1-30. The bit is not a packet and does not encode a duration of a periodic signal.

In contrast, claim 18 includes the element of a warning packet that encodes a periodic signal duration. The claimed warning packet can be used to signal an endpoint to turn off its echo canceller *and* be used to tell the endpoint how long to keep the echo-canceller off. Thus claim 18 should be allowed. Claims 19-25 are dependant and should also be allowed.

Claim 32 has been amended and should be allowed for at least similar reasons as claim 1. Claims 33-35 are dependant and should also be allowed.

Claim 45 has been amended to further specify the call manager according to FIG. 1A of the present specification. Claim 45 now specifies that the data packets and the warning signal are addressed independently of an address for the call manager. Referring to FIG. 1 of the present specification, this limitation emphasizes the triangular arrangement defined by the network switch 122, the call manager 180 and the endpoint 140. The call manager 180 is not part of the call path between the switch 122 and the endpoint 140.

Unlike the triangular arrangement shown in the figures of the present specification, FIG. 1 of Born shows each element communicating in a serial fashion. Even if the IXC Office 110 were the claimed call manager (which it is not), the voice data and the A and B bits are both transmitted to the IXC Office 110.

In contrast to Born, claim 45 now specifies that the data packets and the warning signal are addressed independently of an address for the call manager. This feature allows a gateway without complete contact information for an endpoint to both contact the endpoint and send a warning signal to the endpoint. Thus, claim 45 should be allowed. Claims 46-52 are dependant and should also be allowed.

*New Claim*

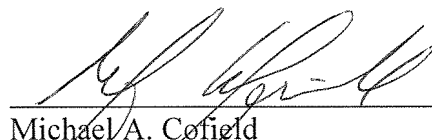
New claim 63 has been added.

CONCLUSION

For the foregoing reasons, allowance of all pending claims of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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